

REMARKS

Summary of Office Action

Claims 21-54 are pending in this application.

Claims 21, 22, 24-28, 30-34, 43-46, 48, 49, 51-54 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Dahners U.S. Patent Application No. 2004/0073218 (hereinafter "Dahners").

Dependent claims 29 and 50 have been rejected under 35 U.S.C. § 103(a) as being obvious from Dahners, and dependent claims 23, 35-42, and 47 have been rejected under 35 U.S.C. § 103(a) as being obvious from Dahners in view of Thramann U.S. Patent No. 5,360,448 (hereinafter "Thramann").

Summary of Applicant's Reply

Applicant has amended claims 21, 34-42, and 44 to more particularly point out and distinctly claim the subject matter that applicant regards as his invention.

Applicant has also amended the specification to correct grammatical and translation errors.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims 21, 22, 24-28, 30-34, 43-46, 48, 49, 51-54 Under 35 U.S.C. § 102(e)

Independent claims 21, 34, and 44 and dependent claims 22, 24-28, 30-33, 43, 45, 46, 48, 49, 51-54 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Dahners.

These rejections are respectfully traversed.

Independent claims 21, 34, and 44 have been amended to require (1) the protrusions to have the same pitch as the threads on the bone screw head and (2) the threaded head portion to have a double entry (as is known in the art, a double-entry thread refers to two intertwined threads whose starts or entries are typically 180 degrees apart).

These requirements provide twice as many angular positions within the range of orientation angles from which to choose, and make it easier to engage the protrusions with the threads of the screw head.

Dahners does not meet these claim requirements. In particular, Dahners does not disclose a screw head having a double entry. Moreover, because Dahners' bone plate has a tappable contact region in which "the driving of [screw head] thread 51 ... forms a custom internal thread" (page 5, paragraph 44, last five lines; emphasis added), Dahners' has no need for a double-entry thread on the screw head.

Dahners also does not require its protrusions to have the same pitch as the threads of the screw head, again, because its contact region is tappable: "The invention ... is not limited to any specific profile for contact region 85" (page 4, paragraph 39) and "the density of protrusions 87 ... and the size of individual protrusions 87, are not limited by the invention, so long as ... contact region 85 [is] tappable" (*id.* at paragraph 37). Thus, Dahners teaches that the size and density of protrusions 87 and the resulting profile of contact region 85 are not restricted

to any particular dimension or configuration so long as the area is tappable -- that is, so long as the threads of the screw head can be forcefully inserted and rotated into the material of contact region 85 to form a custom internal thread (*see, e.g.,* page 4, paragraph 35, middle lines).

This is not applicant's invention. Applicant's invention does not require the tapping of a custom thread through plate holes 5, but instead, the threading of a double-entry threaded screw head onto protrusions configured and dimensioned to mate with those threads.

Thus, amended independent claims 21, 34, and 44 are not anticipated by Dahners and should now be allowable.

Accordingly, dependent claims 22, 24-28, 30-33, 43, 45, 46, 48, 49, 51-54 should also be allowable, because dependent claims are allowable if their independent claim is allowable.

Accordingly, applicant respectfully requests that the rejections of claims 21, 22, 24-28, 30-34, 43-46, 48, 49, 51-54 under 35 U.S.C. § 102(e) be withdrawn.

Rejections of Claims 23, 29, 35-42, 47, and 50 Under 35 U.S.C. § 103(a)

Dependent claims 29 and 50 have been rejected under 35 U.S.C. § 103(a) as being obvious from Dahners, and dependent claims 23, 35-42, and 47 have been rejected under 35 U.S.C. § 103(a) as being obvious from Dahners in view of Thramann.

These rejections are respectfully traversed.

As discussed above, amended independent claims 21, 34, and 44 are not anticipated by Dahners.

Thramann was cited to purportedly show a screw head and shank with identical pitches. Thus, Thramann does not make up for the deficiencies of Dahners.

Independent claims 21, 34, and 44 are therefore still allowable.


For at least these reasons, dependent claims 23, 29, 35-42, 47, and 50, which depend either directly or indirectly from independent claim 21, 34, or 44, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicant respectfully requests that the rejections of claims 23, 29, 35-42, 47, and 50 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 21-54 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

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